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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 EXCAVATORS UNION LOCAL 731
9 WELFARE FUND, et al.,

10 Plaintiff(s),

11 v.

12 STEPHEN A. WYNN, et al.,

13 Defendant(s).
14

2:12-CV-642 JCM (GWF)

15 **ORDER**

16 Presently before the court is the matter of *Excavators Union Local 731 Welfare Fund v. Wynn*
17 *et al.* (Case No. 2:12-cv-642-JCM-GWF).

18 Federal Rule of Civil Procedure 4(m) provides: “If a defendant is not served within 120 days
19 after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must
20 dismiss the action without prejudice.”

21 Plaintiff filed a complaint on April 17, 2012. (Doc. # 1). Pursuant to Federal Rule of Civil
22 Procedure 4(m), on August 28, 2012, the clerk of the court provided notice to plaintiff that the action
23 would be dismissed if plaintiff did not file proof of service of process by September 27, 2012. (Doc.
24 # 52).

25 To date, plaintiff has failed to file proof of service with the court as to the following parties:
26 Kazuo Okada.

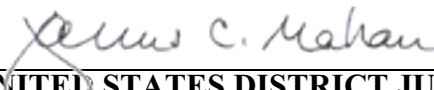
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Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the above-captioned case
be, and the same hereby is, DISMISSED without prejudice as to Kazuo Okada.

DATED October 4, 2012.



UNITED STATES DISTRICT JUDGE